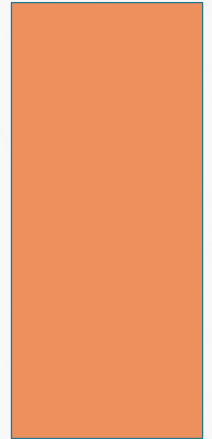


LOCAL REGISTRATION STATUTES

2014 VSU REGIONAL CONFERENCE



WHAT IS A LOCAL REGISTRAR?

- Texas Administrative Code 181.1
(18) Local registration official – A county clerk or person authorized by the Vital Statistics Act to maintain a duplicate system of records for each birth, death, or fetal death that occurs in the person's jurisdiction

PER STATUTE, WHO IS AUTOMATICALLY
DESIGNATED AS LOCAL REGISTRAR?

QUESTION #1

PER STATUTE, WHO IS AUTOMATICALLY DESIGNATED AS LOCAL REGISTRAR?

Health and Safety Code 191.022

Local Registrars

- (a) The justice of the peace is the local registrar of birth and deaths in a justice of the peace precinct. However, the duty of registering births and deaths may be transferred to the county clerk if the justice of the peace and the county clerk agree in writing and the agreement is ratified by the commissioners court.
- (b) The municipal clerk or secretary is the local registrar of births and deaths in a municipality with a population of 2,500 or more.

CONSOLIDATION

Health and Safety Code 191.023

Consolidation of County and Municipal Maintenance of Birth and Death Records

- (a) The duties imposed by law relating to the maintenance of birth and death records of a municipality with a population of 2,500 or more may be transferred to the county in which the municipality is located, as provided by this section.
- (b) If the commissioners court adopts a resolution to transfer the duties and the governing body of the municipality subsequently adopts a concurring resolution, the county and municipality shall agree on a timetable for the transfer and shall execute the transfer in an orderly fashion.
- (c) Before a commissioners court may adopt a resolution under subsection (b), the official to whom the duties would be transferred must attest in writing that the official has sufficient resources and finances to assume those duties.
- (d) If the governing body of a municipality does not adopt a concurring resolution before the 91st day after the date on which a county adopts a resolution under subsection (b), a petition by the qualified voters of the municipality may serve as the equivalent of a concurring resolution under subsection (b). The petition must succinctly describe the intention to consolidate county and municipal maintenance of birth and death records and must be signed by a number of qualified voters equal to at least 20 percent of the number of qualified voters voting in the most recent mayoral election.
- (e) A consolidation under this section affects only the county and the municipality to which the resolutions apply. This section does not affect the apportionment of registration districts under section 191.021.

WHAT RESPONSIBILITIES DO LOCAL REGISTRARS
HAVE FOR REVIEWING RECORDS?

QUESTION #2

WHAT RESPONSIBILITIES DO LOCAL REGISTRARS HAVE FOR REVIEWING RECORDS?

Health and Safety Code 191.027

Review of Certificate by Local Registrar

- (a) The local registrar shall carefully examine each birth or death certificate when presented for registration to determine if it is completed as required by this title and by the state registrar's instructions.
- (b) If a death certificate is incomplete or unsatisfactory, the local registrar shall call attention to the defects in the return.
- (c) If a birth certificate is incomplete, the local registrar shall immediately notify the informant and require the informant to supply the missing information if it can be obtained.

WHAT TYPES OF INDEXES ARE REQUIRED TO BE
MAINTAINED BY LOCAL REGISTRAR OFFICES?

QUESTION #3

WHAT TYPES OF INDEXES ARE REQUIRED TO BE MAINTAINED BY LOCAL REGISTRAR OFFICES?

Texas Administrative Code 181.23

Indexes for Vital Records

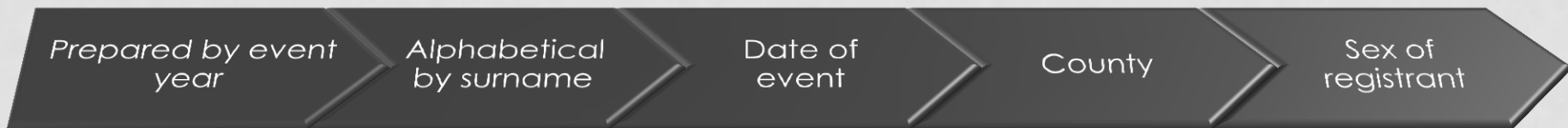
- Birth: general and summary
- Death: general and summary
- Marriage: cross-referenced by the names of the husband and wife and include date and county of occurrence

WHAT TYPES OF INDEXES ARE REQUIRED TO BE MAINTAINED BY LOCAL REGISTRAR OFFICES?

- General birth index:



- Summary birth index:

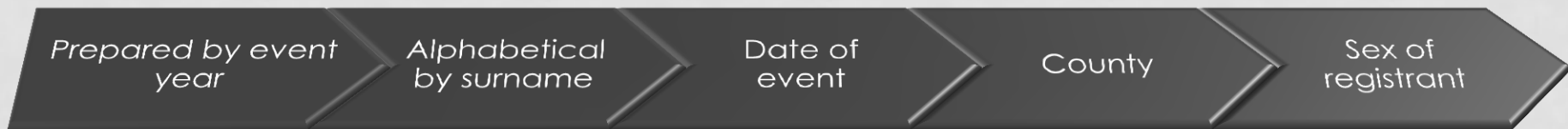


WHAT TYPES OF INDEXES ARE REQUIRED TO BE MAINTAINED BY LOCAL REGISTRAR OFFICES?

- General death index:



- Summary death index:



WHAT FEES ARE ALLOWED/REQUIRED TO
BE CHARGED WHEN ISSUING RECORDS?

QUESTION #4

WHAT FEES ARE ALLOWED/REQUIRED TO BE CHARGED WHEN ISSUING RECORDS?

Heath and Safety Code 191.0045

Fees

(d) A local registrar or county clerk who issues a certified copy of a birth or death certificate shall charge the same fees as charged by the bureau of vital statistics, including the additional fee required under subsection (e), except as provided by subsections (g) and (h).

(h) In addition to other fees collected under this section, a local registrar or county clerk may collect a fee not to exceed \$1.00 for:

- (1) Preserving vital statistics records maintained by the registrar or county clerk, including birth, death, fetal death, marriage, divorce, and annulment records;
- (2) Training registrar or county clerk employees regarding vital statistics records; and
- (3) Ensuring the safety and security of vital statistics records.

Texas Administrative Code 181.22

Fees Charged for Vital Records Services

- Certified copy of birth or death record:
 - Birth: \$10.00 + \$10.00 + \$2.00
 - Death: \$10.00 + \$10.00 for first, \$3.00 for each additional

ARE LOCAL REGISTRARS REQUIRED
TO ASSIGN A DEPUTY REGISTRAR?

ARE LOCAL REGISTRARS REQUIRED TO ASSIGN A DEPUTY REGISTRAR?

Health and Safety Code 191.022

Local Registrars

(c) Each local registrar shall appoint a deputy registrar so that a registrar will be available at all times for the registration of births and deaths.

ARE DEATH RECORDS REQUIRED
TO BE FILED USING TER?

QUESTION #6

ARE DEATH RECORDS REQUIRED TO BE FILED USING TER?

Health and Safety Code 193.002

Person Required To File

The person in charge of interment or in charge of removal of a body from a registration district for disposition shall:

- (1) Obtain and file the death certificate or fetal death certificate;
- (2) Enter on the certificate the information relating to disposition of the body;
- (3) Sign the certificate; and
- (4) File the certificate electronically as specified by the state registrar.

Health and Safety Code 193.005

Personal Information

(h) The person completing the medical certification shall submit the information and attest to its validity using an electronic process approved by the state registrar.

ARE LOCAL REGISTRARS REQUIRED TO REPORT
DEATHS TO THE SECRETARY OF STATE?

QUESTION #7

ARE LOCAL REGISTRARS REQUIRED TO REPORT DEATHS TO THE SECRETARY OF STATE?

Texas Election Code 16.001

Death

- (a) Each month the local registrar of deaths shall prepare an abstract of each death certificate issued in the month for a decedent 18 years of age or older who was a resident of the state at the time of death. The local registrar of deaths shall file each abstract with the voter registrar of the decedent's county of residence and the secretary of state not later than the 10th day of the month following the month in which the abstract was prepared.

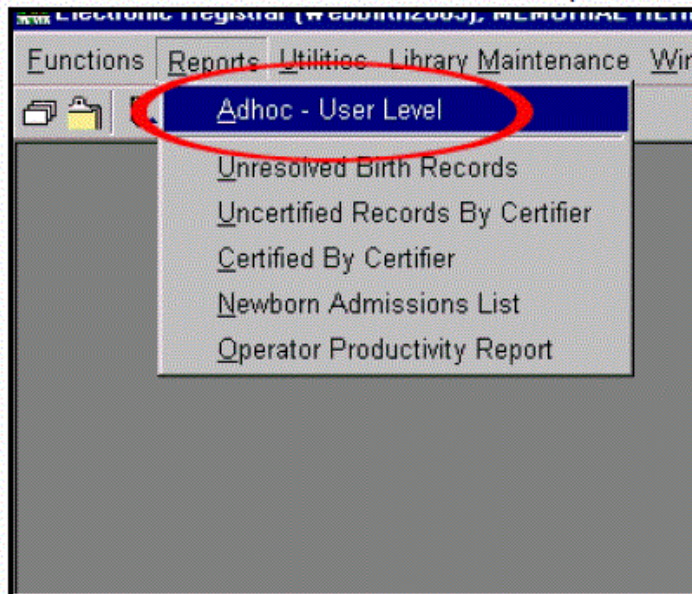
Ad Hoc Reports

These are customizable reports available in TER which allow Local Administrators to define the variables specific to their need.

NOTE: Ad Hoc Reports can only be setup by the State Vital Statistics Unit. Please contact the TER Helpdesk for assistance.

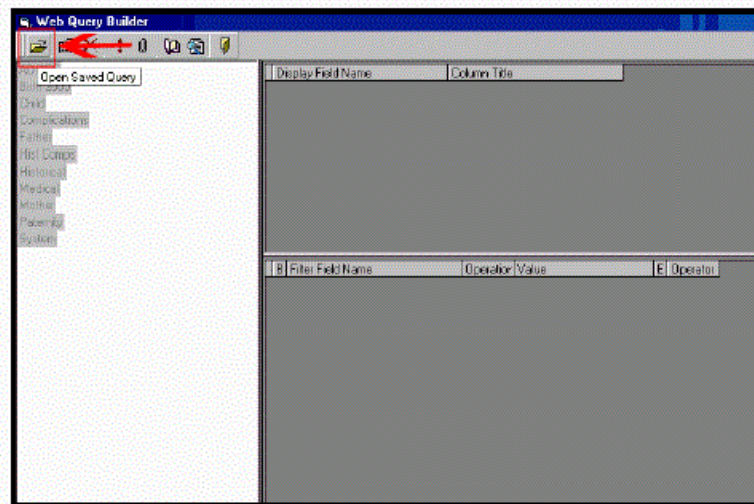
Preparing and Printing an Adhoc Report.

1. Select 'Adhoc – User level' from the 'Report' menu:

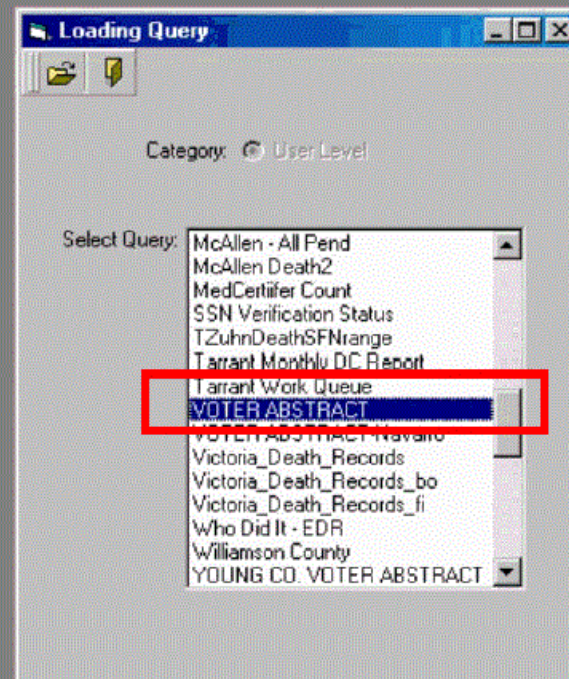


2. Select the 'Open Saved Query' icon:





3. Select the VOTER ABSTRACT from the list.



4. The top portion of the screen displays the information contained in the report.

Display Field Name	Column Title
Date of Birth	Date of Birth
Date of Death - Performance	Date of Death - Performance
Decedent First Name	Decedent First Name
Decedent Last Name	Decedent Last Name
Decedent Maiden Name	Decedent Maiden Name
Decedent Middle Name	Decedent Middle Name
Decedent Suffix	Decedent Suffix
Decedent Sex	Decedent Sex
Decedent SSN	Decedent SSN

B	Filter Field Name	Operator	Value	E	Operator
(	Date of Death - Performance	>=	06/01/2013	)	AND
(	Date of Death - Performance	<=	06/30/2013	)	AND
(	Age	>=	18)	

↓

This field actually says "local file date"

5. Enter the value in the bottom portion of the screen by clicking the appropriate fields.

In the example below, the first value is the start date of 06/01/2013. The second value is the end date of 06/30/2013. A list of records will be generated that fall within that date range.

B	Filter Field Name	Operator	Value	E	Operator
(	Date of Death - Performance	>=	06/01/2013	)	AND
(	Date of Death - Performance	<=	06/30/2013	)	AND
(	Age	>=	18)	

Properties for Filter Field

☒ Begin Group

Filter Field Name:

Operation:

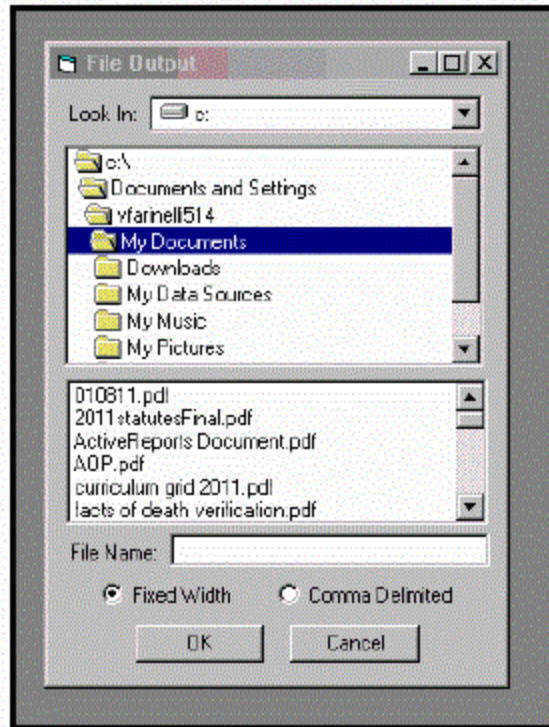
Value:

Operator:

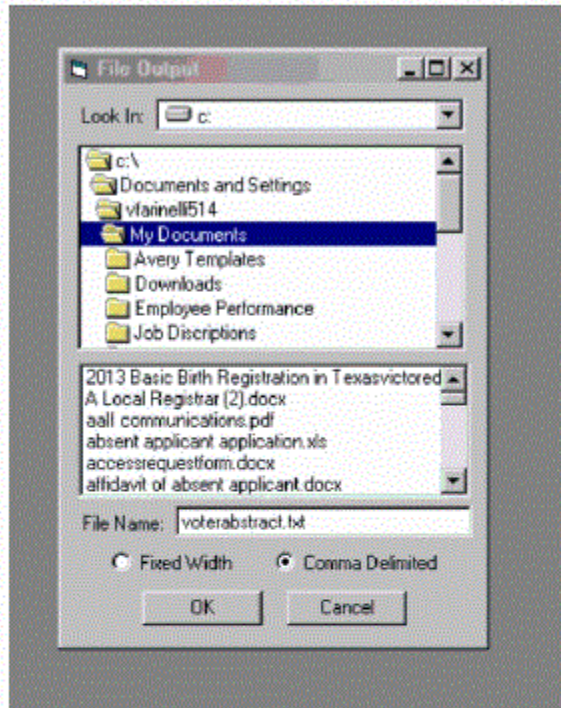
☒ End Group

6. Select the "Save to File" icon. 

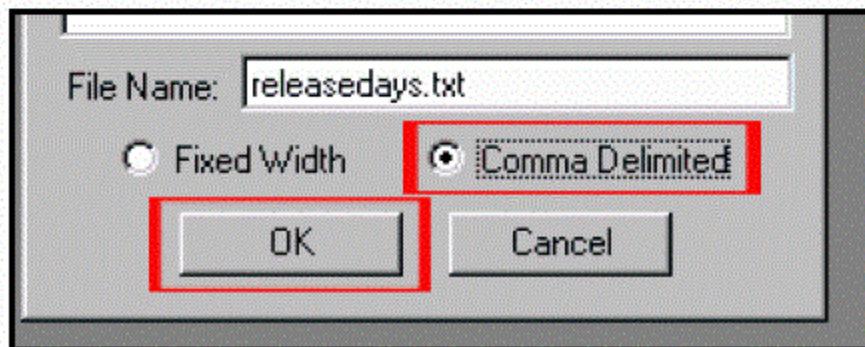
7. In the 'File Output' window, select the folder you want to save the file to:



8. Name the file in the 'File Name' field and indicate that the file should be saved as a text file (.txt)



9. Select 'Comma Delimited,' then 'Ok'.



WHAT ARE THE REQUIREMENTS FOR OBTAINING A BURIAL TRANSIT PERMIT?

QUESTION #8

WHAT ARE THE REQUIREMENTS FOR OBTAINING A BURIAL TRANSIT PERMIT?

Texas Administrative Code 181.2

Assuming Custody of Body

- (a) The funeral director, or person acting as such, who assumes custody of a dead body or fetus shall obtain an electronically filed report of death through a VSU system or complete a report of death before transporting the body. The report of death shall within 24hrs be mailed or otherwise transmitted to the Local Registrar of the district in which the death occurred or in which the body was found. A copy of the completed or electronically filed report of death as prescribed by the Vital Statistics Unit shall serve as authority to transport or bury the body or fetus within this state.
- (b) If a dead body or fetus is to be removed from this state, transported by common carrier within this state, or cremated, the funeral director, or person acting as such, shall obtain a burial-transit permit from the Local Registrar where the death certificate is or will be filed, or from the State Registrar electronically through a Vital Statistics Unit electronic death registration system. The registrar shall not issue a burial-transit permit until a certificate of death, completed in so far as possible, has been presented.

A LOCAL REGISTRATION OFFICE IS IN POSSESSION OF OLD, ILLEGIBLE BIRTH CERTIFICATES THAT ARE TAKING UP PRECIOUS STORAGE SPACE. WHAT OPTIONS ARE AVAILABLE TO RID THEM OF THESE RECORDS?

QUESTION #9

A LOCAL REGISTRATION OFFICE IS IN POSSESSION OF OLD, ILLEGIBLE BIRTH CERTIFICATES THAT ARE TAKING UP PRECIOUS STORAGE SPACE. WHAT OPTIONS ARE AVAILABLE TO RID THEM OF THESE RECORDS?

Birth records are considered permanent.

Health and Safety Code 191.026

Local Records

(e) The local registrar may, after the first anniversary of the date of registration of a birth, death or fetal death, destroy the permanent record of the birth, death, or fetal death maintained by the local registrar if:

- (1) The local registrar has access to electronic records of births, deaths, and fetal deaths maintained by the bureau of vital statistics; and
- (2) Before destroying the records, the local registrar certifies to the state registrar that each record maintained by the local office that is to be destroyed has been verified against the records contained in the bureau's database and that each record is included in the database or otherwise accounted for.

www.tsl.texas.gov

A FUNERAL DIRECTOR COMES IN REQUESTING COPIES OF A DEATH CERTIFICATE ON BEHALF OF A FAMILY. HE PROVIDES DOCUMENTATION PROVING HE IS HANDLING THEIR SERVICES. WHEN ASKED FOR HIS ID, HE ONLY PROVIDES HIS FUNERAL DIRECTOR'S LICENSE AND REFUSES TO OFFER ANYTHING ELSE.

QUESTION #10

A FUNERAL DIRECTOR COMES IN REQUESTING COPIES OF A DEATH CERTIFICATE ON BEHALF OF A FAMILY. HE PROVIDES DOCUMENTATION PROVING HE IS HANDLING THEIR SERVICES. WHEN ASKED FOR HIS ID, HE ONLY PROVIDES HIS FUNERAL DIRECTOR'S LICENSE AND REFUSES TO OFFER ANYTHING ELSE.

Texas Administrative Code 181.1 (21)

Properly qualified applicant – The registrant, or immediate family member either by blood, marriage or adoption, his or her guardian, or his or her legal agent or representative...

Texas Administrative Code 181.28 (i)(9)

All applicants must present identification consistent with the following identification requirements:

- (A) Primary identification outlined in paragraph (10) of this subsection; or
- (B) Secondary identification reflected in paragraph (11) of this subsection; and
- (C) Supporting documentation stated in paragraph (12) of this subsection.

A BIRTH IN 2012 WAS DEEMED A FETAL DEATH AND A FETAL DEATH CERTIFICATE WAS FILED. THE MOTHER IS NOW IN YOUR OFFICE SAYING THE HOSPITAL MADE A MISTAKE AND THE BABY ACTUALLY LIVED FOR AN HOUR BEFORE PASSING AWAY. SHE STATES SHE HAS SPOKEN WITH A DOCTOR AT THE HOSPITAL AND HE CONFIRMED WITH THEIR RECORDS THAT THE CHILD DID, IN FACT, LIVE FOR A SHORT WHILE. SHE IS DEMANDING A BIRTH AND DEATH CERTIFICATE BE FILED TO CORRECTLY REFLECT THESE EVENTS.

QUESTION #11

A BIRTH IN 2012 WAS DEEMED A FETAL DEATH AND A FETAL DEATH CERTIFICATE WAS FILED. THE MOTHER IS NOW IN YOUR OFFICE SAYING THE HOSPITAL MADE A MISTAKE AND THE BABY ACTUALLY LIVED FOR AN HOUR BEFORE PASSING AWAY. SHE STATES SHE HAS SPOKEN WITH A DOCTOR AT THE HOSPITAL AND HE CONFIRMED WITH THEIR RECORDS THAT THE CHILD DID, IN FACT, LIVE FOR A SHORT WHILE. SHE IS DEMANDING A BIRTH AND DEATH CERTIFICATE BE FILED TO CORRECTLY REFLECT THESE EVENTS.

Texas Administrative Code 181.1

(10) Fetal death (stillbirth) – Death prior to complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy; the death is indicated by the fact that after such separation, the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

(17) Live birth – The complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy, which, after such separation, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached; each product of such birth is considered live born.

SHAWN'S PARTNER, ROBERT, PASSED AWAY IN TRAVIS COUNTY. THEY ARE A SAME-SEX COUPLE WHO ARE LEGALLY MARRIED IN ANOTHER STATE. SHAWN IS THE INFORMANT AND INSISTS THAT HE BE LISTED AS ROBERT'S SPOUSE.

QUESTION #12

SHAWN'S PARTNER, ROBERT, PASSED AWAY IN TRAVIS COUNTY. THEY ARE A SAME-SEX COUPLE WHO ARE LEGALLY MARRIED IN ANOTHER STATE. SHAWN IS THE INFORMANT AND INSISTS THAT HE BE LISTED AS ROBERT'S SPOUSE.

Texas Family Code 6.204

Recognition of Same-Sex Marriage or Civil Union

- (a) In this section, "civil union" means any relationship status other than marriage that:
 - (1) Is intended as an alternative to marriage or applies primarily to cohabitating persons; and
 - (2) Grants to the parties of the relationship legal protections, benefits, or responsibilities granted to the spouses of marriage
- (b) A marriage between persons of the same sex or a civil union is contrary to the public policy of this state and is void in this state
- (c) The state or an agency or political subdivision of the state may not give effect to a:
 - (1) Public act, record, or judicial proceeding that creates, recognizes, or validates a marriage between persons of the same sex or a civil union in this state or in any other jurisdiction; or
 - (2) Right or claim to any legal protection, benefit, or responsibility asserted as a result of a marriage between persons of the same sex or a civil union in this state or in any other jurisdiction.

A CUSTOMER COMES IN REQUESTING A BIRTH CERTIFICATE FOR HER GRANDCHILD. SHE HAS LISTED THE REASON FOR OBTAINING AS “NEED TO APPLY FOR ID FOR GRANDCHILD”. WHEN YOU LOOK UP THE REGISTRANT, YOU NOTICE THE CHILD IS DECEASED.

QUESTION #13

A CUSTOMER COMES IN REQUESTING A BIRTH CERTIFICATE FOR HER GRANDCHILD. SHE HAS LISTED THE REASON FOR OBTAINING AS “NEED TO APPLY FOR ID FOR GRANDCHILD”. WHEN YOU LOOK UP THE REGISTRANT, YOU NOTICE THE CHILD IS DECEASED.

Health and Safety Code 191.034

Notation of Death on Birth Certificate

- (a) On receipt of the death certificate of a person whose birth is registered in this state, the state registrar shall conspicuously note the person's birth certificate.
- (b) The state registrar shall notify the county clerk of the county in which the decedent was born and to the local registrar of the registration district in which the person was born of the person's death. On receipt of the notification of death, the county clerk or local registrar shall conspicuously note the person's death on the person's birth certificate.

A CUSTOMER COMES IN REQUESTING A BIRTH CERTIFICATE FOR HER GRANDCHILD. SHE HAS LISTED THE REASON FOR OBTAINING AS “NEED TO APPLY FOR ID FOR GRANDCHILD”. WHEN YOU LOOK UP THE REGISTRANT, YOU NOTICE THE CHILD IS DECEASED.

Health and Safety Code 195.003

False Records

(d) A person commits an offense if the person, for purposes of deception, intentionally or knowingly obtains, possesses, uses, sells, or furnishes, or attempts or directs another person to attempt to obtain, possess, use, sell, or furnish a certificate, record, or report required under this title, if the document:

- (1) Is made, counterfeited, altered, amended, or mutilated without lawful authority and with intent to deceive;
- (2) Is false in whole or in part; or
- (3) Relates to the birth of another individual

A CUSTOMER COMES IN REQUESTING A BIRTH CERTIFICATE FOR HER GRANDCHILD. SHE HAS LISTED THE REASON FOR OBTAINING AS “NEED TO APPLY FOR ID FOR GRANDCHILD”. WHEN YOU LOOK UP THE REGISTRANT, YOU NOTICE THE CHILD IS DECEASED.

Health and Safety Code 195.001

Enforcement of Title; Reports by Local Registrar

- (a) The local registrar in each local registration district shall enforce this title under the supervision and direction of the state registrar.
- (b) A local registrar shall report immediately to the state registrar a violation of this title of which the local registrar has knowledge by observation, by complaint of another person, or by other means.

CARRIE AND JOHN WERE SHOPPING AT TARGET. CARRIE SUDDENLY WENT INTO LABOR IN THE ELECTRONICS SECTION AT THE BACK OF THE STORE. EMS WAS CALLED AND ARRIVED BEFORE THE BABY WAS BORN, BUT THEY WERE FORCED TO DELIVER INSIDE THE STORE. CARRIE AND THE NEWBORN BABY WERE IMMEDIATELY LOADED INTO THE AMBULANCE AND TAKEN TO THE NEAREST HOSPITAL.

QUESTION #14

CARRIE AND JOHN WERE SHOPPING AT TARGET. CARRIE SUDDENLY WENT INTO LABOR IN THE ELECTRONICS SECTION AT THE BACK OF THE STORE. EMS WAS CALLED AND ARRIVED BEFORE THE BABY WAS BORN, BUT THEY WERE FORCED TO DELIVER INSIDE THE STORE. CARRIE AND THE NEWBORN BABY WERE IMMEDIATELY LOADED INTO THE AMBULANCE AND TAKEN TO THE NEAREST HOSPITAL.

TAC 181.26

Filing of Birth Certificates For Infants Born Outside of a Licensed Institution

- (a) All certificates of birth shall be filed as required by the [Health and Safety Code 192.001](#).
 - (1) Birth occurring in a licensed institution shall be filed as required by the [Health and Safety Code 192.003](#). Licensed institutions include hospitals and birthing centers licensed by the department.
 - (2) Births occurring outside licensed institutions shall be filed as described in this section.
- (b) A registered, certified, or documented health care provider's signature on the birth certificate, or participation in electronic birth registration shall serve as prima facie evidence of the essential elements of proof required in subsection (c) of this section. The Local Registrar may accept certificates by mail when the signature of the registered, certified, or documented health care provider is on file with that registrar's office.
- (c) The essential elements to register a non-institutional birth are:
 - (1) Evidence of pregnancy
 - (2) Evidence that there was an infant born alive
 - (3) Evidence that the birth occurred in the registration district; and
 - (4) Evidence that the infant's birth occurred on the date stated